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OBSERVATIONS

ON THE

New Militia Bill,

Now under the Consideration of

PARLIAMENT,

WHEREIN

The MATERIAL ALTERATIONS
are pointed out

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OFFICE OF THE

THE

NEW MILITARY BILL

OF THE

PARLIAMENT

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HAVING read over the printed
 H New Militia Bill, I flatter myself
 it will be acceptable to the
 public, to set forth the several material
 alterations made from the laws now in
 being.—A measure, which is to affect
 the people of England, by teaching them
 to defend their own country without the
 assistance of foreign troops, cannot be too
 much promulgated before it is finally
 concluded upon, in order to have it
 thoroughly

thoroughly well-consider'd, and so formed as to answer the good purposes intended thereby. Many Circumstances may strike Gentlemen who are not Members of Parliament ; and I am confident there is so much candour in those who are friends to it in that house, that they would gladly receive any information which may assist the plan ; but the chief reason of my putting pen to paper, is to prevent the trouble which may be taken in finding out what are the new parts ; and the more to facilitate the consideration, I have made references to the pages of the printed Bill, and have taken the liberty to add a few observations to each particular.

THE first alteration begins at the 3d page, That subalterns qualifications need not lie, half in the county for which they serve ; as the great difficulty lies in procuring lieutenants and ensigns, I should have been glad if any farther openings could have been made for them, as their
fortune

fortune is supposed to be the least of the commission officers, and their pay being so likewise, it is a manifest disadvantage they labour under, particularly at such times as the Militia is not embodied, where in attending their duty they must be wholly at their own expence. The field-officers and captains are, according to their qualifications, of such a rank in the world, that their being at an inn for twenty-eight days in a year, will not so materially affect them, as the others : Therefore, if at such times only the inferior officers were to receive pay, it would not be adequate, at least not more than their expences, and be but a trifling consideration for the benefit which would accrue, of having gentlemen ready to offer for those commissions ; which, I am afraid, from the footing it stands upon at present, they may be backward in doing ; but as nothing of this sort is mentioned in the New Bill, nor indeed could be, without making it a monied one, I hope these sentiments may strike the legislature to procure it in a future pay-bill.

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THE next point which occurs is in the 11th page, where an adjutant may be taken from any corps of Militia, which has been embodied, as well as from his Majesty's other forces, and, to the honour of the Militia regiments now in service, I dare say, there are many who may be well qualified for it.

THE clause in the 12th page exempts a Militia officer from serving as sheriff during the time of his continuance in the regiment, and is very proper, as he cannot act at the same time in two capacities; if it had gone to a total exemption, after four years service as an officer, it might not have been too much; since considering the expence the sheriffs are constantly put to in that year, it is a burthen instead of honour; and is now grown a heavy charge upon country gentlemen.

THE next new clause appears in the 13th page, Where serjeants may be reduced

duced into the ranks, and is certainly necessary to be provided for; since by the present laws, the appointment of a serjeant vacates his place as a Militia-man; so that without such a regulation, he could not be put back again.

IN the 14th page, serjeants, drummers, and fifers, are not to enlist into his Majesty's other forces.——If gentlemen consider the expence and trouble there is in having those persons taught, and the service they are of in their respective regiments, it is highly proper they should not have it in their power to leave their corps.

PAGE 18, In the exemption of persons are express'd, officers who have served four years; as they, tho' voluntarily, have discharged their duty to the publick in their respective stations, a poor labouring man with three children is likewise exempted.

THE 19th page contains one of the most essential amendments in the whole bill, relating to the raising of men without the ballot ; parishes are hereby empowered to produce volunteers, and with the consent of the inhabitants assembled in vestry, to give them a sum of money out of a rate to be made for that purpose ; in which case they are not to be ballotted ; but if they refuse or neglect to provide men in that manner, they are to be drawn as usual, by lot. It is to be observed, that parishes might before offer volunteers ; but as they were not justified in making them any allowance for serving, they could not procure persons for nothing, where the men might receive money as substitutes to principals, and the price on that account was enhanced to a great degree, occasioned by the drawn man, from his situation, not being at liberty to attend personally : Whereas, by this proposal, the difficulty and exorbitancy of procuring persons, will be, in a great measure, removed ; as a parish will much easier,

easier, and at a cheaper rate find men, than individuals; and as the sum will be trifling, divided among the parishioners, most undoubtedly all parishes will fall into the method; likewise will have many other good effects, as destroying insurances, subscriptions, and the impositions of sergeants, who have got into a method of going shares with substitutes, thereby working upon the necessity and exigency of principals. In this case the tradesmen, manufacturers, and farmers, will be under no apprehensions of their sons or servants being taken from them; nor will labourers run from place to place to avoid the chance of being drawn; at the same time that it is not merely confined to this mode, but only the option given; because if it was obligatory, there must be a pecuniary penalty substituted, in failure of producing volunteers, which would lay the deputy-lieutenants and justices under great difficulties; and if therefore parishes do not chuse to follow this plan, they must then all stand the chance upon whom the lot

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shall fall, as the service wants men, and not money to find men. This appears to be so reasonable, that for the future, upon any vacancies, there will be no more trouble than sending to the parishes the number wanted, and they will return men to be sworn in ; which will likewise take up much less time in compleating the corps, than the necessary delays of ballotting, giving notice to the person chosen, and afterwards a reasonable time for him to look out another, if he cannot go himself. And as a farther security to the above clause, it is enacted in the 20th page, That where persons have received money to serve in the Militia, they shall not enlist in his Majesty's other forces, unless the sum is returned from whence they received it ; which is certainly reasonable, as they would otherwise make a practice of cheating parishes and principals, which had been frequently done, to the detriment of the parishes ; as by the law it creates a vacancy, and the principal is discharged from finding another.

This

This is so obvious an inconveniency, as alone justifies this clause ; more particularly so, when parishes are to give the money ; for they would, by that means, be continually paying men, who would afterwards inlist. Not that it prevents their entering elsewhere, if either themselves, or the recruiting officer, should think it worth paying back the sum given.

AGREEABLE to the above measure of procuring men, there is a prohibitory clause, in the 21st page, against beating up for recruits ; a practice, I am afraid, sometimes made use of, but not to be permitted ; for where the law has provided a method of furnishing people for the Militia, they should not encroach upon the recruiting service, nor interfere therein with his Majesty's other forces ; but keep strictly to the directions of the act.—And here let me observe, that if any particular sum was limited by this bill, to be given to volunteers, as I have heard such a proposal talk'd of, it would

materially hurt both establishments, because it would fix it at that price; as was the case of the ten pounds penalties; if the legislature had fix'd five pounds, it would have been the given price; therefore if it was now ascertained, it must be at so high a rate, as to prohibit the raising men at all; nor would it avail, because parishes would find means of making bargains, and giving encouragements, which could not be investigated; therefore it would detriment the recruiting service, without prejudicing the Militia; so that if it is left open, as in the proposed bill, the price will be no more than the real circumstances of affairs require, and which being a commodity, will occasionally rise and fall, and find its own channel, without any connivance or evasion, which the other would open the door for.

THE next new clause is immediately following, Where two general meetings are to be held annually, and four subdivisions;

divisions; at which sub-division meetings only, as by a new clause in the subsequent page, discharges are to be granted.——

This is intended, that the country should know when that particular business is to be transacted, as at present it may be done at any time, and the persons who might wish to have attended, not apprised thereof. But that vacancies should not remain unfilled up, the next clause empowers a sub-division meeting to be called at any time for that purpose.

THERE is an alteration in the same page, relating to the Militia-man changing his place of abode; who is not to stay for a vacancy in the parish he removes to, but continue bound to serve for the parish he was chosen for; and if he remove to a place, where there is a different regiment, he is to serve in the first vacancy of the same; which is highly reasonable, as the publick is intitled to his service, from the time of his inrollment; which ought to be performed,
let

let him go to live where he will; and notice is to be given where he removes to, that it may be thereby known.

THE clause in the 26th page, is to prevent the fraud of sham contracts for apprentices, as that description of persons is very properly exempted, many evasions of the law were made in this instance, therefore necessary not only to put a stop to, but to punish the offenders.

IN the 30th page, there is a small alteration about the Militia cloaths; which, when embodied, are to be applied in such manner, as the Colonel or commanding officer shall think best for the use of the Militia-man, and as practised in his Majesty's other forces.

IN the same page will be seen an additional benefit from parishes furnishing volunteers, who will not be intitled to any family allowance as they enter
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for a consideration: Therefore parishes will either not provide men, who have families unable to maintain themselves; or, if they do, the parish must take the charge upon themselves, as they are not bound to procure such; whereas in the ballotted case it is compulsory on the person, and if his family suffer for want of him who is obliged to be called forth, the country ought in justice to take care of them.

THE 35th page contains that essential point of training and exercising in time of peace. Which is proposed to be done, by regiment or battallion, twice in a year, at fourteen days each time, or once in a year for twenty-eight days, as shall be directed at a general meeting; during which time the provisions of the mutiny act to take place, but not to extend to life or limb.

THE above new clause is substituted in the room of the present mode of provincial

vincial exercise, which is for every fortnight for eight months, and one week at Whitsuntide, and nothing but pecuniary punishment inflicted by warrant of a justice of peace. It evidently appears, that this plan is infinitely preferable, both for the furtherance of the service, and the convenience of the officers and men. And as to the subordination and discipline necessary to be kept in such a body of men, it cannot be done by any other means ; more particularly from their having been so long kept out. The several articles of war are so much better known and understood than any other rule or regulation, particularly as it does not extend to life or limb, and can therefore be only corporal punishment, which is constantly directed to be inflicted on offenders by the common law ; therefore not the least danger to liberty, more especially as the officers, who are to put this act in execution, and sit upon judgment, are to be gentlemen of landed qualifications, therefore may be full as much trusted to
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take cognizance as justices of peace ; and will generally be persons of that station themselves ; so that it is no more than the most summary and effectual process which can be made use of, for the purposes of keeping due order and regularity ; and, indeed is for the benefit of those places where they may happen to be quarter'd ; as otherwise they would be loose and outrageous, and much inconveniency arise before a remedy could be applied.

As to the time of the men being kept in practice, it will not be for any greater number of days than the present, but infinitely of more efficacy, both for the instruction of officers and men. The difference, therefore, is only taking the time all together, instead of at broken periods every fortnight, often incapacitating the men from working the day after ; so that, in effect, they lose two days, instead of one ; and it is likewise a great confinement to the officers, who must be

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constantly in the way, if they attend the exercises; whereas it will, in future, be only at some fix'd time, and the remainder of the year, the gentlemen as well as private men, will be at liberty.

THIS is the last alteration which occurs of consequence; and indeed, very few are the material articles; so that I will not carry my reader further in the bill, but conclude with a few general observations on the whole.

LET me intreat gentlemen, to read over and consider the whole of this bill, with a view of amending, instead of mangling it: For when a Militia is set on foot, it should have, for the sake of the country, as practicable a law as possible, to model and regulate it. The question, Whether the Militia is to be a measure, is quite different from the consideration of the bill itself; and in order to give it a fair and generous trial, it should be permitted to see what might be
made

made of it, or else totally destroy the establishment by an open declaration, and not by sly winds.

NOTHING more clearly shews the excellence of the measure, than its arriving at its present greatness, maugre all the rubs and difficulties thrown in the way, and therefore seems to be the natural plan of internal defence for this country. A river may be diverted, or kept out of its channel, but it must be by a strong head made against it: For where it finds vent to flow into its usual course, it will soon remove all impediments. The wrong bias that has been always taken is, that the Militia is to be the only force: But that is very far from the real state of the case, however industriously such a doctrine has been propagated: It was never intended more than as a succedaneum to a proper number of standing forces, to be kept up in this kingdom, and not to be used or called upon, but under the particular circumstances ex-

pressed in the act, *viz.* invasion, or imminent danger thereof, or rebellion; the occasion and necessity still subject to parliament, who need not vote the pay longer than they see the exigency; and that, indeed, is the true check, which parliament will, I trust, always keep in their own hands; as by that means they will make themselves judges of the propriety of every measure which requires money to keep it on foot, and much more cogent than any injunctions which may be laid on ministers and government by any clause in the bill: For if any leading man in a house of commons, could have influence sufficient to prove the necessity of keeping a Militia in pay, he will have equal power to persuade them of the necessity to keep them out. But by no means is any use made of an act of parliament, to be brought as an argument against the law itself, since every unwarrantable proceeding of a magistrate would, by parity of reasoning, go to the abolition of the law he has abused.

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As to the duration of the present New Bill, tho' there appears no limitation in the draught ; yet it is generally understood to be proposed for seven years, and to the end of the then next sessions of Parliament, the usual stile of clauses for that purpose ; during which period the measure will, it is to be hoped, have some tryal in time of peace, which is materially wanted ; and if upon essay it will support itself, a short Bill may continue it ; besides it may be an absurdity to perpetuate a proposal, without seeing whether it may answer. The present Militia was embodied, almost as soon as it was raised, so that tho' it gave very good presages of its success, yet it had not gone beyond the novelty of it ; but I conclude, that if it has so amazingly maintained its credit, through such continued fatigue of marching, and counter-marchings, and encamping, it will *a fortiori* hold up its head in time of peace. But still as the former Bill was only a tryal in one mode by the ballot, and fortnight exercises

cises; this is no more than a tryal by parishes furnishing the quota, and the training for a continued time. Besides it seems rather to favour the plan when specified for a term, than if left open and at large; for in the latter case, whenever persons in power, enemies to the principle of Militia, (if any such there should be) may find it grow unpopular, they may then make use of the argument of its having no period to repeal it; whereas in the first case, it is a declaration of the legislature that they will give it so long a tryal, during which time it may have several ebbs and flows; so that as a friend to the measure, I think it better in that shape than the other. The great article is not to have the measure obstructed in its progress thro' parliament; for if art should be made use of to render it ineffectual, there had better be no Militia at all, than a law, as the first was made, purely to destroy itself; but I will not suspect such want of candour in any person; all gentlemen
will,

will, I hope, co-operate to make the Bill as practicable as possible; or if it should be perceived that there is an intention of sapping and undermining it in its foundation, better let the fabrick fall, than prop a tottering building which only gives fear and alarms to passengers. But I hope both the measure and the term will be amicably adjusted, and that the whole will be conducted with that unanimity so necessary at this critical conjuncture.

BUT before I entirely quit the subject, give me leave to say that the best formed Bill cannot be sufficiently efficacious, unless some method is taken to make the Militia general; it must be raised in every county for the nation to receive real and substantial benefit from it; and as we are upon the commencement of a fresh war, it requires an exertion of all our strength; little prehaps may that all be; but I am sure we cannot afford to lessen it in any shape. Why should the
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the whole receive advantage from the services and labour of a few, who stand forth to train and discipline their neighbours, so much to their own honour, and so useful to the kingdom in general? If we wish to carry on the war with vigour, we must all join hands in the support of it, and not have some repose in sloth and idleness, whilst others are diligent and watchful; let the burthen as well as advantage fall equal; and if there is any county whose gentry are so indolent as not to take the trouble for themselves and others, let the men of those places be rendered useful; who may be sent to join their neighbouring counties, and be placed under the command of officers already appointed. Suffex may easily be coalised with Surry; Derbyshire with Cheshire; Nottinghamshire with Lincolnshire; and in this manner the rest of the unraised Militia might be applied; and it would be a means of ascertaining the equal numbers, since it is very unreasonable that
some

some counties should furnish 1 in 17, and others not above 1 in 40; nor can a partial Militia be at all carried on with utility; the several embodied corps must on that account be marched to places for want of raising their own; nor is it equitable that the expence should fall upon particular districts, when others receive equal advantages; nay, rather they should bear the whole expence, for their not executing the law. Besides, it is no small consideration, that labourers go from one place to another, thereby rendering hands scarce in some, and superabundant in others, even to the detriment of their settled inhabitants; which would not be the case, if the whole was raised. Therefore I hope some plan will be found out, to make it universal. Cannot the present times render our well-beloved Monarch, as feared and respected in Europe, as Queen *Elizabeth*, or *Oliver Cromwell*? I instance those as giving laws to the world—Our fleets and armies are equally formidable, and nothing

thing is wanted but a proper internal defence ; and, indeed, it becomes now more necessary, as I know not where we might have foreign troops, if we stood in need of them ; every power is so much engaged in the present broils, that we must trust to ourselves for support. And surely it must be a shame to England, that its inhabitants should not be made capable of defending themselves. Had we been in possession of the force which the present embodied Militia gives us, at the time of the rebellion, that rabble of Highlanders had never got to so great a height, nor should we have been under the necessity of recalling Our troops from abroad. Let these considerations awaken the country to adopt the measure in its full force. Our navy will preserve our superiority at sea ; our army maintain and extend our conquests abroad ; and our Militia be sufficient to frustrate any attacks that may be made by invasions or rebellions. The last of which, thank God, there

there is not the least likelihood of ; nor need we be under any apprehensions ; from the former. If therefore we wish to act with spirit and firmness, let a general Militia be a proof of it ; let the world see the power we are capable of exerting, and they will find, that to a people united in strength as well as sentiment, neither France nor Spain can give terror or alarm.

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